ORDINANCE NO. 2006 - 049

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **INTRODUCTION AND ADMINISTRATION ELEMENT** (TO ADD THE INTRODUCTION AND ADMINISTRATION ELEMENT TO THE LIST OF OPTIONAL ELEMENTS); **FUTURE LAND USE ELEMENT** (TO CORRECT INCONSISTENT RESIDENTIAL PERCENTAGES IN THE ELEMENT FOR TRADITIONAL TOWN DEVELOPMENTS, TO REVISE POLICY 1.2.2-A REDUCING THE MINIMUM ACREAGE THIS POLICY APPLIES TO FOR CONSISTENCY WITH SIMILAR ADOPTED CHANGES TO THE UNIFIED LAND DEVELOPMENT CODE); **UTILITY ELEMENT** (TO UPDATE THE WATER AND WASTEWATER LEVEL OF SERVICE TABLES REFLECTING CURRENT CONCURRENCY MANAGEMENT CONDITIONS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 9 and June 23, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community

ORDINANCE NO. 2006 049

Affairs "Objections, Recommendations, and Comments Report," dated September 29, 2006 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on November 13, 2006 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. **Introduction And Administration Element**, to add the Introduction And Administration Element to the list of optional elements;

B. **Future Land Use Element**, to correct inconsistent residential percentages in the element for Traditional Town Developments;

C. **Future Land Use Element**, to revise Policy 1.2.2-A to reduce the minimum acreage for which this policy applies;

D. **Utility Element**, to update the water and wastewater level of service tables to reflect current concurrency management conditions;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 13 day of November, 2006.

ATTEST:
SHARON R. BOCK, CLERK
& COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Addie L. Greene, Vice-Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 21st day of November, 2006.

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EXHIBIT 1

A. Introduction and Administration Element, Optional Plan Elements List Update

REVISIONS: To revise and update Page 2-IA, Introduction and Administration Element. The following represents amended text to page 2, Part A "Plan Elements", of the IA Element. The revisions are numbered below and shown with the added text underlined and the deleted text ~~struck-out~~.

Page 2-IA, Introduction and Administration Element

In order to develop a truly "comprehensive" plan, Palm Beach County has included seven optional elements in the Comprehensive Plan. These elements were desired so that the County could fully address the provision of services and facilities to its population dispersed in varying and distinctive sub-regions:

Introduction and Administration
Economic
Fire Rescue
Public Education
Health and Human Services
Library Services
Historic Preservation

unaltered text omitted for brevity

B. Future Land Use Element, Traditional Town Development (TTD) Revisions

REVISIONS: To revise and update. The revisions are numbered below and shown with the added text underlined and the deleted text ~~struck-out~~.

REVISIONS, Implementation Section III

9. Traditional Town Development

It is the purpose of the Traditional Town Development (TTD) future land use designation to encourage mixed-use, compact development which is sensitive to environmental characteristics of the land, and which facilitates efficient use of services within the County. The TTD provides an opportunity for diversification and integration of land uses including residential, retail, office, recreation, etc., within close proximity to each other, providing for the daily recreation and shopping needs of the residents. While a mixture of uses is required, the TTD shall be a residentially-based development.

Traditional Town Characteristics. The Traditional Town Development (TTD) future land use designation shall provide for community planning, which is guided by sensible and desirable attributes of a "traditional neighborhoods." Traditional Town Developments share the following characteristics: They shall:

1. have neighborhoods which are pedestrian oriented, physically recognizable, developed at a human scale, limited in size (allowing residents to walk to the neighborhood center within approximately five minutes), and efficiently organized to provide for the daily needs of the residents;
2. have residences, shopping, employment and recreational uses which are all located within the neighborhoods, and within close proximity to each other;
3. have a hierarchy of streets to serve the needs of the pedestrian and the motorist;
4. be primarily pedestrian-oriented design and secondarily for vehicles, through the development of pedestrian and bikeway circulation systems which serve to functionally and physically integrate the various land use activities;
5. have physically defined and linked squares and parks within neighborhoods which provide places for social activity and active/passive recreation. The linking of these places through the use of greenways increases accessibility to the recreational facilities;
6. have well placed civic buildings and squares provide places for social, cultural and religious activities, and become symbols of community identity;

ORDINANCE NO. 2006 049

7. have commercial uses supportive of the residential development;
8. be predominantly residential, requiring a minimum of 60%~~55%~~ of the development area be devoted to residential uses primarily as TNDs. (Up to 10% of the area of a TTD may be PUDs.) In addition, each TND shall contain mixed-use development allowing for the horizontal and vertical integration of, as well as the clustering of, living, working, recreational, open space, shopping, and civic uses;
9. contain a centrally located TMD comprising shopping, employment and civic uses;
10. meet all adopted levels of service, as specified in the Comprehensive Plan, and all urban services shall be available concurrent with the impacts of development;
11. provide for a variety of housing types, including low and very low income housing, and neighborhoods shall contain a variety of these housing types;
12. include building setback requirements, which allow buildings to abut front sidewalks; however, streetscape requirements must be met as outlined in the ULDC;
13. allow for the provision of alleys;
14. allow for the provision of on-street parking to buffer walkways from the road and increase overall pedestrian safety;
15. include standards for parking, which acknowledge the pedestrian nature of the community, permit pervious surface parking, and provide parking behind buildings;
16. achieve a 20% internal capture rate for transportation;
17. be designed to include mass transit (including land for bus stops) and accessibility to existing mass transit, where available, and provide alternative modes of transportation, such as bikeways and pedestrian paths;
18. be designed to provide for well defined public spaces, buildings, and vistas which terminate on focal points. Usable public open space shall comprise a minimum of five (5) percent of the developable area. Linkages between open spaces, in the form of pedestrian and bike paths, shall be provided for within and outside the development;
19. incorporate detailed performance standards which allow for regulating buildings by general category of use (building type) rather than by specific use;
20. provide for and maintain extraordinary landscaping/recreation facilities/sign control/design and development standards;
21. reduce the intensity/density of that portion of the development which is contiguous to any priority acquisition sites designated by the Conservation Lands Acquisition Selection Committee or its successor, so that the development is compatible with, and does not destroy or negatively impact the environmentally sensitive area; and
22. have neighborhood centers, which contain civic and commercial uses that serve the daily needs of the residents within a quarter mile walk of 90% of the neighborhood's residential areas.

The TTD, by virtue of its function and design is unique in character; however, the development shall demonstrate: 1) sector balancing; 2) compatibility and integration with existing development; and, 3) consistency with the goals, objectives and policies of the Comprehensive Plan. Through the Regional Analysis the TTD shall identify the need and provide employment opportunities for both existing and future residents, and contribute to the alleviation of existing imbalances in the area relative to lack of affordable housing, employment, retail, infrastructure, etc.

C. Future Land Use Element, Policy 1.2.2-a Revisions

REVISIONS: To revise and update regarding infill. The revisions are numbered below and shown with the added text underlined and the deleted text ~~struck out~~.

1. REVISED Policy 1.2.2-a: To encourage redevelopment and infill, the county shall allow parcels of land that cannot fulfill the minimum acreage requirements for a Planned Development to develop consistent with the character, intensity, and density of the: 1) Existing built environment; and/or 2) Potential built environment, whose density is calculated at the standard density permitted by the land use designation(s) applicable to this environment, provided that:

1. The parcel: 1) Is less than ~~12~~ five (5) acres in size for a property designated LR-1, LR-2, LR-3, or MR-5; and 2) Is less than ~~10~~ three (3) acres in size for a property designated HR-8, HR-12, and HR-18.
2. The proposed development does not exceed the maximum density or intensity permitted by the applicable future land use designation; and,
3. The proposed development can meet the requirements of concurrency.

D. Utility Element, Level of Service Potable Water & Wastewater Table Updates

REVISIONS: To revise and update in order to clarify intent. The revisions are shown with the added text underlined, and the deleted text ~~struck out~~.

UPDATE Table 1 – Level of Service Standards for Potable Water:

Table 1
Minimum Level of Service Standards for Potable Water
(Policy 1.2-a)
[9J-5.011(2)(c)2(b), F.A.C.]

Facility	**Potable Water** (1)	**Fire Flow** (2) Residential/Commercial	**Storage** (3)
Palm Beach County Water Utilities Department	126	1,000 /1,500-5,000	2/3 ADF of System
Seacoast Utility Authority	191	1,000 /1,500-5,000	2/3 ADF of System
Village of Wellington	~~160~~ 131	1,000 /1,500-5,000	2/3 ADF of System
Town of Jupiter	170	1,000./1,500-5,000	2/3 ADF of System
City of Riviera Beach	195	1,000 /1,500-5,000	4.0 million gallons
Village of Palm Springs	194	1,000 /1,500-5,000	2/3 ADF of System
City of Lake Worth	170	1,000 /1,500-5,000	5.9 million gallons
City of Boynton Beach	177	1,000 /1,500-5,000	10.3 million gallons
City of Delray Beach	276	1,000./1,500-5,000	2/3 ADF of System
City of Boca Raton	~~307~~ 350	1,000 /1,500-5,000	2/3 ADF of System
Village of Royal Palm Beach	135	1,000 /1,500-5,000	2/3 ADF of System
City of Belle Glade	91	1,000 /1,500-5,000	2/3 ADF of System
City of Pahokee	86	1,000 /1,500-5,000	2/3 ADF of System
City of South Bay	150	1,000 /1,500-5,000 .	2/3 ADF of System
Seminole Improvement District	540(4)	1,000 /1,500-5,000	100% ADF of System
Village of Tequesta	3.9 (5)	1,000 /1,500-5,000	100% ADF of System
City of West Palm Beach	47(5)	1,000 /1,500-5,000	100% ADF of System

1. In gallons per capita per day (gpd). Source: Utility Providers, 2002
2. Requirements for Fire Flow in PBC. Source: Fire Rescue Ordinance # 98-29 / In gallons per minute (gpm)
3. ADF stands for "Average Daily Flow" of the system
4. In 000 gallons per day (gpd). The District has 4-5 residents and a water and sewer system that currently serves non-residential uses: three schools, a shopping center, a citrus packing plant and Lion Country Safari. Source: Seminole I.D., Feb 2002.
5. Capacity in MGD

UPDATE Table 2 – Level of Service Standards for Wastewater:

Table 2
Minimum Level of Service Standards for Wastewater
(Policy 1.3-a)
[9J-5.011(2)(c)2(b), F.A.C.]

Facility	Wastewater (1)	Effluent	Sludge
Palm Beach County Water Utilities Department	100	Per EPA/DEP	Per DEP/SWA
City of Boca Raton	~~122~~ 215	Per EPA/DEP	Per DEP/SWA
City of Delray Beach	~~128~~ 130	Per EPA/DEP	Per DEP/SWA
City of Boynton Beach	~~105~~ 110	Per EPA/DEP	Per DEP/SWA
City of Riviera Beach	135	Per EPA/DEP	Per DEP/SWA
City of West Palm Beach	~~104~~ 55(3)	Per EPA/DEP	Per DEP/SWA
Village of Royal Palm Beach	85	Per EPA/DEP	Per DEP/SWA
Village of Palm Springs~~/Lake Worth~~	75	Per EPA/DEP	Per DEP/SWA
City of Lake Worth	100	Per EPA/DEP	Per DEP/SWA
City of Belle Glade	101	Per EPA/DEP	Per DEP/SWA
City of Pahokee	108	Per EPA/DEP	Per DEP/SWA
City of South Bay	150	Per EPA/DEP	Per DEP/SWA
Loxahatchee River District	108	Per EPA/DEP	Per DEP
Seacoast Utility Authority	107	Per EPA/DEP	Per DEP
Village of Wellington	~~100~~ 96	Per EPA/DEP	Per DEP/SWA
Seminole Improvement District (2)	~~20~~ 60(2)	Per EPA/DEP	Per EPA/DEP

1. Gallons per Capita per Day (gpd). Source: Service Providers 2000
2. In 000 gallons per day (gpd). The District has 4-5 residents and a water and sewer system that currently serves non-residential uses: three schools, a shopping center, a citrus packing plant and Lion Country Safari. Source: Seminole I.D., Feb 2002.
3. Capacity in MGD

ORDINANCE NO. 2006 049